

# PROPOSED RULE MAKING (RCW 34.05.320)

CR-102 (	(7/22/01)	
Do NOT use f	for expedited	
rule making		

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Agency: Department of Fish and Wildlife					Original Notice	
Preproposal Statement of Inquiry was filed as WSR 03-02-102; or			☐ Supplemental Not	ice		
Expedited Rule Making Proposed notice			; or		to WSR	
Proposal is exempt under RCW 34.05.31					Continuance of W	SR
(a) Title of rule: (Describe Subject)						
Purpose:						
Amend WACs 232-28-272 2003-2004, 2	2004-2005 ar	nd 2005-200	6 Black	bear and coug	ar hunting seasons a	and regulations
and 232-28-248 Special closures and fir	earm restrict	tion areas.				
Other identifying information: none						
			•			
(b) Statutory authority for adoption: RCW 77	7.12.047			Statute being im	plemented: RCW 77.1	2.047
(c) Summary:						
WAC 232-28-272-The recommended ch						
close on Nov. 15 annually. In addition,			udes st	atus quo spring	bear seasons and s	atus quo cougar
seasons for 2003-2004, 2004-2005, and	2005-2006.					
WAC 232-28-248-The recommended ch	nange closes	GMUs 524	and 55	6 to hunting bla	ck bear and cougar o	during permit only
modern firearm elk seasons.	iango ologoo	- CCC 02 1	u 00	o to maning bia	on boar and boagan t	iding politic only
Reasons supporting proposal:						
WAC 232-28-272-Biological data suppo	rt status quo	seasons for	r bear a	nd cougar.		
WAC 232-28-248-Interference from cou	gar and hoar	r huntare imr	aget the	auglity of the h	unting experience fo	r huntare calacted
to elk hunt in these units.	gai and bear	municis im	pact the	quality of the fi	iunting expenence to	i numers selected
(d) Name of Agency Personnel Responsible	for:	Office Location	on			Telephone
1. DraftingDave Brittell, Assistant I		NRB-Olympia				360.902.2504
2. Implementation Dave Brittell, Assista		NRB-Olympia	a			360.902.2504
3. Enforcement Bruce Bjork, Assista		NRB-Olympia				360.902.2932
(e) Name of proponent (person or organization	ion): Washingto	on Fish and Wi	Idlife Co	mmission		Private
						☐ Public ☐ Governmental
(f) Agency comments or recommendations,	if anv. as to s	tatutory langu	lage. imi	plementation, enf	orcement and fiscal ma	
None	<b>,</b> ,	<b>, 3</b> .	3-, 1	, , .		
(g) Is rule necessary because of:						
Federal Law?	_	-		ACH COPY OF 1	ГЕХТ	
Federal Court Decision? Ye State Court Decision?			ation:			
	es 🖂	No				
(h) HEARING LOCATION: Moses Lake Convention Center				nit written comme	ents to: of Fish and Wildlife	
1475 Nelson Road, Moses Lake, Washington 98	837			nngton Department Dave Brittell	of Fish and whome	
			600 C	Capitol Way North		
				pia, WA 98501-10		
			FAX	(360) 902-2162	By (date) 3/25/03	
Date: April 11-12, 2003 Time: 8:00 a.m.			DATI	E OF INTENDED	ADOPTION: April 11	2003
			D/(II		DE REVISER USE ON	•
Assistance for persons with disabilities:				COL	DE REVISER USE UNI	-1
Contact Susan Yeager by 4/7/03						
TDD (360) 902-2207 or (360) 902-2267						
			ᆗ			
NAME (TYPE OR PRINT)						
Evan Jacoby						
SIGNATURE						
TITLE	DATE					
Rules Coordinator	3/5/03					

(j) Short explanation of rule, its purpose, and anticipated effects: WAC 232-28-272			
The rule establishes hunting seasons for black bear and cougar. The purpose of the recommended change is to maximize recreational hunting opportunities for bear and cougar while maintaining sustainable populations. The anticipated effect of the recommendation is stable bear populations statewide and declining cougar populations statewide.			
WAC 232-28-248 The rule closes specific GMUs to black bear and cougar hunting during permit only modern firearm elk seasons. This change			
will reduce hunter density resulting in a better quality hunt.			
Does proposal change existing rules? ⊠ YES ☐ NO If yes, describe changes:			
WAC 232-28-272 Provides recreational hunting opportunity for black bear and cougar from 2003-2006, consistent with population objectives for bear and cougar.			
WAC 232-28-248 Closes GMUs 524 and 556 to hunting black bear and cougar during permit only modern firearm elk seasons			
(I) II			
<ul><li>(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?</li><li>☐ Yes. Attach copy of small business economic impact statement.</li></ul>			
A copy of the statement may be obtained by writing to:			
telephoning: ( ) faxing: ( )			
$oxedsymbol{oxed}$ No. Explain why no statement was prepared These rules regulate recreational hunters and do not directly regulate small business.			
(I) Does RCW 34.05.328 apply to this rule adoption? ☐ Yes ☐ No Please explain: Not hydraulics rules.			

 $\frac{\text{AMENDATORY SECTION}}{10/21/01)}$  (Amending Order 01-198, filed 9/20/01, effective

WAC 232-28-272 (( $\frac{2000-2001}{2004-2002}$ ,  $\frac{2001-2002}{2004}$  and  $\frac{2002-2003}{2004-2005}$ ))  $\frac{2003-2004}{2004-2005}$  Black bear and cougar hunting seasons and regulations.

# Fall Black Bear Seasons:

# 2003 Black bear seasons

((Hunt Name	2000 Season	Hunt Area
General Eastern	Aug. 1 Nov. 5	GMUs 121-142, 203-382, 578, 588
Northeastern	Sept. 5 - Nov. 5	GMUs 101-117
Blue Mt.	Sept. 5 Nov. 5	GMUs 145-154, 162-186
General Western	Aug. 1 Nov. 12	GMUs 407, 410, 454, 466, 490 520, 524 574, 601-684
North Cascades	Aug. 1 Nov. 30	GMUs 418-450, 460
<del>West Side</del> PLWMAs	<del>July 15 - Nov. 12</del>	PLWMAs 401, 600
Long Island	Sept. 1 Nov. 12	Long Island
Hunt Name	2001 Season	Hunt Area
General Eastern	Aug. 1 Nov. 4	GMUs 121-142, 203-382, 578, 588
Northeastern	Sept. 4 - Nov. 4	GMUs 101-117
Blue Mt.	Sept. 4 Nov. 4	GMUs 145-154, 162-186
General Western	Aug. 1 - Nov. 11	GMUs 407, 410, 454, 466, 490-520, 524- 574, 601-684
North Cascades	Aug. 1 Nov. 30	GMUs 418-450, 460
West Side PLWMAs	July 15 Nov. 11	PLWMAs 401, 600
Long Island	<del>Sept. 1 - Nov. 11</del>	Long Island
Hunt Name	2002 Season	Hunt Area
General Eastern	Aug. 1 Nov. 3	GMUs 121-142, 203-382, 578, 588
Northeastern	Sept. 3 - Nov. 3	GMUs 101-117
Blue Mt.	Sept. 3 Nov. 3	GMUs 145-154, 162-186
General Western	Aug. 1 - Nov. 10	GMUs 407, 410, 454, 466, 490-520, 524- 574, 601-684
North Cascades	Aug. 1 Nov. 30	GMUs 418-450, 460
<del>West Side</del> <del>PLWMAs</del>	<del>July 15 Nov. 10</del>	PLWMAs 401, 600
Long Island	<del>Sept. 1 - Nov. 10</del>	Long Island))

Black bear management unit	Season	Hunt area
Coastal	Aug. 1 - Nov. 15	GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-
		<u>651, 658-663, 672-684</u>
Puget Sound	Aug. 1 - Nov. 15	GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667
North Cascades	Aug. 1 - Nov. 15	<u>GMUs 418-450, 460</u>
South Cascades	Aug. 1 - Nov. 15	GMUs 466, 485, 505, 510-520, 524, 550-574, 653, 654
<u>Okanogan</u>	Aug. 1 - Nov. 15	GMUs 203, 209-243
East Cascades	Aug. 1 - Nov. 15	GMUs 244-247, 249-251, 328, 329-371, 382, 578, 588
<u>Northeastern</u>	Sept. 2 - Nov. 15	GMUs 101-130, 204
Blue Mountains	Sept. 2 - Nov. 15	GMUs 145-154, 162-186
Columbia Basin	Aug. 1 - Nov. 15	GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381
West Side PLWMAs	July 15 - Nov. 15	PLWMAs 401, 600
<u>Long Island</u>	Sept. 2 - Nov. 15	<u>GMU 699</u>

### 2004 Black bear seasons

Black bear management unit	Season	Hunt area
Coastal	Aug. 1 - Nov. 15	GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-
	_	<u>651, 658-663, 672-684</u>
Puget Sound	Aug. 1 - Nov. 15	GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667
North Cascades	Aug. 1 - Nov. 15	GMUs 418-450, 460
South Cascades	Aug. 1 - Nov. 15	GMUs 466, 485, 505, 510-520, 524, 550-574, 653, 654
<u>Okanogan</u>	Aug. 1 - Nov. 15	GMUs 203, 209-243
East Cascades	Aug. 1 - Nov. 15	GMUs 244-247, 249-251, 328, 329-371, 382, 578, 588
<u>Northeastern</u>	Sept. 7 - Nov. 15	GMUs 101-130, 204
Blue Mountains	Sept. 7 - Nov. 15	GMUs 145-154, 162-186
Columbia Basin	Aug. 1 - Nov. 15	GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381
West Side PLWMAs	July 15 - Nov. 15	PLWMAs 401, 600
Long Island	Sept. 7 - Nov. 15	GMU 699

# 2005 Black bear seasons

Black bear management unit	Season	Hunt area
Coastal	Aug. 1 - Nov. 15	GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-
		<u>651, 658-663, 672-684</u>
Puget Sound	Aug. 1 - Nov. 15	GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667
North Cascades	Aug. 1 - Nov. 15	GMUs 418-450, 460
South Cascades	Aug. 1 - Nov. 15	GMUs 466, 485, 505, 510-520, 524, 550-574, 653, 654
<u>Okanogan</u>	Aug. 1 - Nov. 15	GMUs 203, 209-243
East Cascades	Aug. 1 - Nov. 15	GMUs 244-247, 249-251, 328, 329-371, 382, 578, 588
<u>Northeastern</u>	Sept. 6 - Nov. 15	GMUs 101-130, 204
Blue Mountains	Sept. 6 - Nov. 15	GMUs 145-154, 162-186
Columbia Basin	Aug. 1 - Nov. 15	GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381
West Side PLWMAs	July 15 - Nov. 15	PLWMAs 401, 600
Long Island	Sept. 6 - Nov. 15	GMU 699

((License Required: A valid big game hunting license which includes black bear as a species option is required to hunt black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species option. A second black bear transport tag must be purchased to take a second bear.))

Bag Limit: Two (2) black bear per annual hunting season only one of which may be taken in Eastern Washington.

((Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of hounds and bait to hunt black bear is prohibited statewide.

Submitting Bear Teeth: Successful bear hunters must submit the black bear premolar tooth located behind the canine tooth of the upper jaw.))

### SPRING PERMIT BLACK BEAR SEASONS:

Permit quotas for each license year

<u>vel</u>

Who May Apply: Anyone with a valid Washington big game license, which includes black bear.

Bag Limit: One (1) black bear per black bear special permit
season.

Permit Season: April 15 - May 31. Permits are valid for the license year they are issued.

### REQUIREMENTS FOR SPRING AND FALL BLACK BEAR SEASONS

License Required: A valid big game hunting license, which includes black bear as a species option, is required to hunt black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species option. A second black bear transport tag must be purchased to take a second bear.

Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of hounds and bait to hunt black bear is prohibited statewide.

Submitting Bear Teeth: Successful bear hunters must submit the black bear premolar tooth located behind the canine tooth of the upper jaw.

### COUGAR ((Season)) SEASONS:

# ((General Statewide Season: Aug. 1, 2000 - Mar. 15, 2001; Aug. 1, 2001 - Mar. 15, 2002; and

Aug. 1, 2002 Mar. 15, 2003.))

## Seasons for each license year, 2003-2005

Cougar management unit	Season	Hunt area
Coastal	Aug. 1 – Mar. 15	501, 504, 506, 530, 601-621, 636-651, 658-663, 672-684,
		<u>699</u>
Puget Sound	Aug. 1 – Mar. 15	407, 410, 454, 624-633, 652, 666
North Cascades	Aug. 1 – Mar. 15	418, 426, 437, 448, 450, 460, 466, 485
South Cascades	Aug. 1 – Mar. 15	505, 510-520, 524, 550-574, 653, 654, 667
East Cascades North	Aug. 1 – Mar. 15	203, 209-247, 249-251, 328, 329, 334-340
<b>East Cascades South</b>	Aug. 1 – Mar. 15	<u>342-368, 382, 578, 588</u>
<u>Northeastern</u>	Aug. 1 – Mar. 15	<u>101-130, 204</u>
Blue Mountains	Aug. 1 – Mar. 15	<u>145-186</u>
Columbia Basin	Aug. 1 – Mar. 15	<u>133-142, 248, 254-290, 330, 371, 372, 381</u>

# REQUIREMENTS FOR COUGAR SEASONS

License Required: A valid big game hunting license which includes cougar as a species option is required to hunt cougar.

**Bag Limit:** Two (2) cougar per license year excluding public safety cougar removals. It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens.

Tag Information: One cougar transport tag is included with a big game license that has cougar as a species option. A second cougar transport tag must be purchased to take a second cougar.

Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting cougar. The use of hounds to hunt cougar is prohibited except during a public safety cougar removal.

Cougar Pelt Sealing: Any person who takes a cougar must notify the department within 72 hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar must be sealed by an authorized department employee within five days of the notification of kill. Any person who takes a cougar must present the cougar skull, in such a manner that teeth and biological samples can be extracted, to an authorized department employee at the time of sealing.

Amendatory Section (Order 02-98, filed 5/10/02, effective 6/10/02)

# WAC 232-28-248 Special closures and firearm restriction areas.

RESTRICTED AND PROHIBITED HUNTING AREAS.

These areas are closed by Fish and Wildlife Commission action. Other areas may be closed to hunting by local, state or federal regulations.

### IT IS ILLEGAL TO HUNT EXCEPT WHERE PROVIDED IN THE FOLLOWING AREAS:

1. Little Pend Oreille National Wildlife Refuge: The southern part of the Little Pend Oreille National Wildlife Refuge in Stevens County is closed to hunting and discharge of firearms except during the periods of April 15-May 15 and October 1-December 31. This closure is south of a boundary beginning at the west project boundary in Section 3, Township 34 N, R 40 EWM, then easterly along Road 1.0 (Bear Creek Road) to the intersection with Road 2.0 (Blacktail Mountain Road) in Section 2, then easterly along Road 2.0 to the easterly boundary in Section 8, Township 34 N, R 42 EWM.

The Little Pend Oreille National Wildlife Refuge north of the preceding boundary is open to all legally established hunting seasons from April 15 to May 15 and September through December.

- 2. Parker Lake: All lands south of Ruby Creek Road (USFS Road 2489), north of Tacoma Creek Road (USFS Road 2389) and west of Bonneville Power Administration power lines are designated as "CLOSED AREA" to the hunting of wild animals and wild birds year round. Both the Little Pend Oreille (1) and Parker Lake (2) closures were established to provide a protected area for the Air Force Military Survival Training Program.
- 3. Columbia River and all the islands in the river, and the Benton County shoreline below the high water mark, and any peninsula originating on the Benton County shoreline, between Vernita Bridge (Highway 24) downstream to the old Hanford townsite powerline crossing (wooden towers) in Section 24, T 13 N, R 27 E, is designated as a "CLOSED AREA" to the hunting of wild animals and wild birds.
- 4. Green River (GMU 485): Except for special permit hunters, who may also take a black bear and/or cougar with the appropriate license/tag options, all lands within GMU 485

are designated as a "CLOSED AREA" to the hunting of big game by Department of Fish and Wildlife regulated hunters throughout the year. During the general westside elk season and general and late deer seasons, all lands within GMU 485 are also designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds). The City of Tacoma enforces trespass within GMU 485 on lands owned or controlled by the City during all times of the year.

- 5. McNeil Island: McNeil Island (part of GMU 652) is closed to the hunting of all wild animals (including wild birds) year around.
- 6. Loo-wit (GMU 522): Closed to hunting and trapping within GMU 522 (Loo-wit).
- 7. The Voice of America Dungeness Recreation Area County Park in Clallam County is closed to all hunting except Wednesdays, weekends, and holidays, from the first weekend in October to the end of January.

### BIG GAME CLOSURES

- 1. Clark, Cowlitz, Pacific, and Wahkiakum counties are closed to Columbian Whitetail Deer hunting.
- 2. Cathlamet: Beginning in the town of Skamokawa; then east along SR 4 to the Risk Road; then south and east along the Risk Road to Foster Road; then south along the Foster Road to the Elochoman River; then upstream along the Elochoman River to the Elochoman Valley Road (old SR 407); then west along the Elochoman Valley Road to SR 4; then east along SR 4 to SR 409; then south along SR 409 to the Cathlamet Channel of the Columbia River; then east along the north shore of the Cathlamet Channel to Cape Horn; then south in the Columbia River to the state line; then west along the state line to a point directly south of the mouth of Skamokawa Creek; then north on Skamokawa Creek to SR 4 and the point of beginning. This area is closed to all deer and elk hunting, to protect the Columbian Whitetail Deer.
- 3. Willapa National Wildlife Refuge: Except for Long Island, Willapa National Wildlife Refuge is closed to all big game hunting.
- 4. Walla Walla Mill Creek Watershed (GMU 157): All lands in the Mill Creek Watershed are designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds) except for holders of special elk permits during the established open season. This area is closed to motorized

vehicles. Entry is allowed only by Forest Service permit for the duration of the hunt. Any entry into the Mill Creek Watershed at other times is prohibited.

- 5. Westport: Closed to hunting of all big game animals on that part of Westport Peninsula lying north of State Highway 105 from the west end of the Elk River Bridge and the Schafer Island Road to the ocean beach.
- 6. GMUs 524 and 556 are closed to black bear and cougar hunting during permit only modern firearm elk seasons.

#### FIREARM RESTRICTION AREAS

Grays Harbor

The firearm restriction areas listed below have been established by the Fish and Wildlife Commission. Centerfire and rimfire rifles are not legal for hunting in these areas.

In firearm restriction areas, hunters may hunt only during the season allowed by their tag. Archery tag holders may hunt during archery seasons with archery equipment. Muzzleloaders may hunt during muzzleloader seasons with muzzleloader equipment except in the GMU 652 restriction area outlined for King County. Modern firearm tag holders may hunt during modern firearm seasons with bows and arrows, muzzleloaders or revolver-type handguns meeting the equipment restrictions or legal shotguns firing slugs or buckshot.

COUNTY Clallam	AREA That portion of GMU 624 (Coyle) located within Clallam County.
Clark	GMU 564 (Battleground)
Cowlitz	GMU 554 (Yale) GMU 504 (Stella)

That portion of GMU 658 (North River) beginning at Bay City; then west along Highway 105 to Twin Harbors State Park; then south along Highway 105 to Grayland Grocery; then east on Cranberry Road to Turkey Road; then east and north on Turkey Road to Bayview Logging Road; then north and east along Bayview Logging Road to Mallard Slough; then east and south along the Bayview Road to Andrews Creek; then north along main channel of Andrews Creek to Grays Harbor; then north and west along the main navigation channel to Bay City and point of beginning.

That portion of GMU 564 (Battleground) in Cowlitz County.

The Chehalis Valley restriction applies only during elk seasons:

That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highwav 12 and Highwav 107 iunction near Beginning at Highway 12 and Highway 107 junction near Montesano; east and south on Highway 12 to Oakville; south on the Oakville-Brooklyn Road to a point one mile west of South Bank Road; northwest along a line one mile southwest of the South Bank Road to Delzene Road; north along Delzene Road to South Bank Road; northwest along South Bank Road to Wakefield Road; north on Wakefield Road to the Chehalis River; west along the Chehalis River to Highway 107 bridge; north on Highway 107 to Highway 12 to the point of beginning.

That portion of GMU 410 (Island) located on Camano and

Whidbey islands.

Jefferson Indian and Marrowstone islands.

Island

King

The area west of Highway 203 (Monroe-Fall City, Fall City-Preston Road) to Interstate 90 (I-90), I-90 to Highway 18, Highway 18 to Interstate 5 (I-5), I-5 to the Pierce-King County line; Vashon

and Maury islands.

The following portion of GMU 652 (Puyallup): Beginning at the intersection of State Highway 410 and the southeast Mud Mountain Dam Road near the King/Pierce County line north of Buckley; then east along the southeast Mud Mountain Road to 284th Avenue Southeast; then north along 284th Avenue Southeast to State Highway 410; then west along Highway 410 to the point of the beginning. (This restriction includes high power rifles and

muzzleloaders.)

Kitsap East of State Highway 16 originating at the Tacoma Narrows

Bridge to Gorst, and east of Highway 3 to Newbury Hill Road, north of Newbury Hill Road and the Bremerton-Seabeck Highway to Big Beef Creek Bridge; all of Bainbridge Island, and Bangor

Military Reservation.

Kittitas GMU 334 (Ellensburg) Closed to high power rifles during deer and

elk seasons.

Mason GMU 633 (Mason Lake) south of Hammersley Inlet; and all of

Harstene Island.

Pacific GMU 684 (Long Beach) west of Sand Ridge Road. The portion of

GMU 658 (North River) south and west of State Highway 105 and Airport Road between Raymond and North River Bridge. GMU 681 between U.S. Highway 101, Chinook Valley Road and the Columbia River from Astoria-Megler bridge to the Wallacut River.

Pierce GMU 652 (Anderson and Ketron islands) limited to archery,

shotgun, and muzzleloader. McNeil Island closed to hunting. See GMU 652 restriction area outlined for King County.

GMU 627 (Kitsap) south of Highway 302 on the Longbranch

Peninsula is a firearm restriction area.

Snohomish West of Highway 9.

Skagit Guemes Island and March Point north of State Highway 20.

Thurston GMU 666 (Deschutes) north of U.S. Highway 101 and Interstate 5

between Oyster Bay and the mouth of the Nisqually River.

Whatcom Area west of I-5 and north of Bellingham city limits including

Lummi Island and Point Roberts.